

Applicant: Foster
Serial No.: 10/633,195
Filed: 08/01/2003
Title: Segmented Fishing Rod With Ferrule Joining Rod Sections
Examiner: Rowan, Kurt C.
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REMARKS

The specification has been amended for consistency and clarity. No new information has been introduced.

Applicant's claims have been amended to clarify that applicant's ferrule comprises a pliant and mildly adhesive liner in a ferrule opening that resiliently conforms to a fishing rod section removably received therein, and which releases the section when a fishing rod section is pulled out of the ferrule. A nonsmooth surface is provided on the fishing rod section inserted into the liner around which the liner conforms to better grasp the section. None of the references cited by the examiner disclose such a ferrule.

The examiner has rejected claims 1 and 3 as being anticipated by U.S. Pat. No. 4,660,867 by Kemper, suggesting that "Kemper shows a pliant mildly adhesive liner 58 secured inside the tubular body second end that is adapted to releasably engage the rod section." Applicant traverses the examiner's statement and therefore the basis for rejection.

Regarding claim 1, Kemper does not disclose a ferrule liner secured to the ferrule that is mildly adhesive in receiving and releasing a member inserted therein. Rather Kemper discloses a cavity between its ferrule and its inserted stem member that is filled with an adhesive, which adhesive is cured to irreleasably bind the inserted coupling stem member to a hose. Kemper's adhesive is injected into a cavity between a coupling ferrule and the stem member when cured, permanently adheres the hose (14) to the coupling (12). Col. 2, lines 48-49. The insertable stem member cannot be withdrawn after the adhesive cures. Before the adhesive cures, it is not attached as a liner to the ferrule. Thus, the adhesive is not secured in the ferrule ready to receive an insertable member. Also, it is not mildly adhesive and it does not release the stem member inserted in the ferrule under pulling force of a user, all as required by Applicant. (See Kemper Col. 2, lines 46-54).

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Regarding claim 3, in addition to the arguments provided with regard to claim 1, Kemper's adhesive is not a liner that resiliently conforms to a nonsmooth surface of an member as the member is removably inserted in the ferrule within the liner, and the cured adhesive permanently binding the inserted member does not yield under user removal force in separating the member from the ferrule. In fact, the Kemper liner does not yield and the inserted member cannot be removed after the adhesive cures.

The examiner has rejected claims 1, 4, and 9 as being anticipated by U.S. Pat. No. 11,357 by Latulip. Applicant again traverses the examiner's statement and therefore the basis for rejection.

Contrary to the examiner's interpretation, Latulip does not teach an adhesive on the inside of the ferrule into which a rod may be removably inserted. Latulip teaches forming a ferrule of rawhide, in part by soaking strips of rawhide in dilute sulphuric acid "to cause a drawing or exudation of a portion of the gelatine contained in the strip to its surfaces, thus constituting a cement, which causes these surfaces to adhere when wound upon each other." Col. 1, lines 37-40. Thus, Latulip does not disclose a liner inside of a ferrule; rather its ferrule is built up from layers of wet rawhide that adhere together to form the ferrule. Preferably natural rawhide gelatine is used, but where the natural rawhide gelatine is insufficient to bind together the rawhide strips, a cement may be added. The rawhide ferrule may be formed over a rod end with a portion extending to receive another rod. There is no liner in the rawhide extending portion. When the rawhide dries. The completed ferrule does not have wet or pliable gelatine on its outer surfaces.

The examiner also errs in regard to the rawhide stiffness. The stiffness of the formed rawhide is not inherently the same as that of a fishing rod. It is improper to assume a stiffness between ferrules different design and materials. To the contrary, the rawhide ferrule better illustrates that there are ferrules of different composition and stiffness. The Richardson ferrule designed with its own flexure independent of fishing pole stiffness also serves to exemplify that ferrules have different stiffness.

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The examiner has rejected claims 5, 11-14 as being anticipated by Latulip in view of Richardson. As discussed above, Applicant believes Latulip is not a valid reference against Applicant's claims and therefore Latulip in view of Richardson also cannot be a valid combination. Applicant traverses the basis of combining Richardson with Latulip. Richardson does not employ a compliant liner in a ferrule or a nonsmooth portion insertable within a liner in the ferrule. Therefore, even if Latulip did have a compliant liner, which it doesn't, there is no suggestion except in improper hindsight that Richardson should have a nonsmooth rod portion insertable in a ferrule. And neither Latulip nor Richardson suggests enhancing the grasp of the ferrule on the rod to hold it in the ferrule until removed by a user. That is, neither Latulip nor Richardson address the problem solved by Applicant of providing a resilient and compliant, mildly adhesive liner in the ferrule to releasably maintain the inserted portion in the ferrule until pulled out by the user. Further, Richardson does not have the nonsmooth surface on a rod portion inserted in the ferrule. In fact, it is not clear that Richardson has a nonsmooth surface anywhere on its rod. Richardson does not describe or claim such a surface. Apparently, the examiner is relying on Richardson figures 1 and 2 that show lines in parallel with rod sides. It is not disclosed what those lines mean; the examiner apparently suggests that the lines indicate an hexagonal rod, but that suggestion is conjecture by the examiner. Further, figure 5 shows a cutaway of the rod inserted in the ferrule that figures 1 and 2 don't show. Figure 5 shows a smooth surface inside the ferrule, counter to the examiner's suggestion. It is also noted that the Richardson sections are tightly secured together (column 2, line 25-26) and cemented or wrapped and cemented in place (column 2, lines 30-33); once so installed, the sections cannot be separated. That is, the inserted section is not removable in the ferrule as required by Applicant.

Regarding applicant's claim 11, applicant requires a ferrule tubular cross section comprising a plurality of equal length lines forming the circumference of the tubular opening. Applicant refers to Richardson figures 3 and 4 that show longitudinal slits on a ferrule end, apparently to assist installation of the ferrule over a rod or tube. Clearly,

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these slits are not circumferential lines found in the ferrule cross section. Further in regard to claim 11, the examiner states that it is obvious to have a change in size. Size is not the primary consideration of differing cross section, but rather the broader advantage taught by applicant is the adaptation in shape, including size, of the ferrule tubular opening represented in its cross section. That is, the tubular opening may, for example, be circular, pentagonal, hexagonal, octagonal, etc. The ferrule then adapts perhaps a fishing rod section of circular cross section (or other) to one of another cross section shape, such as hexagonal. Neither Richardson nor Latulip disclose such an adaptive ferrule, and there is nothing inherently obvious in providing such an adaptive ferrule.

The examiner has rejected claims 5-8 and 10 as being unpatentable over Latulip as applied to claim 4 in view of Kemper. As provided above, applicant believes Kemper and Latulip are not valid references. However, proceeding *arguendo*, the examiner suggests that Kemper "shows a nonsmooth outer surface 48 on the second section 22. The examiner errs. Kemper element 48 is "serrated circumferential grooves 48 formed on the internal part of the ferrule wall." Co. 2, Ln 28-29. It is not on the second section 22 and it is not on an outer surface either of the second section 22 or of the ferrule. In fact it does not even contact the second section. Rather it is internal the ferrule and separated from the second section by the hose 44. Applicant teaches a nonsmooth outersurface on the rod section inserted into the ferrule, dissimilar to Kemper elements 22 and 48.

Applicant believes the claims as amended are in allowable form. Dependent claims should be considered in view of the independent and intervening claims from which they depend. Accordingly, the Examiner is respectfully requested to reconsider the above claims and to issue a patent including these claims.

An additional fee is due, as shown in the accompanying Fee Transmittal.

The examiner is invited to telephone the undersigned to discuss any remaining matters after consideration of the above amendments and to suggest any further

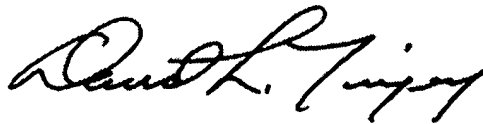
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amendments that would put any claim into allowable form still deemed not allowable after these amendments.

Dated: September 16, 2004

For Applicant, Foster

Respectfully,



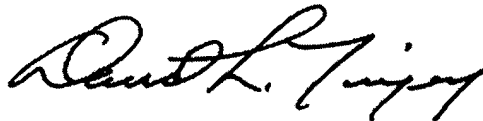
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on September 16, 2004 with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
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